

रजिस्टर्ड नं० पी० 461.



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

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शिमला, मंगलवार, 4 दिसम्बर, 1973/13 अग्रहायण, 1895

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GOVERNMENT OF HIMACHAL PRADESH  
LAW DEPARTMENT  
NOTIFICATIONS

*Simla-2, the 28th November, 1973*

No. 5-1/72-LR.—The Societies Registration (Himachal Pradesh Amendment) Bill, 1973 (Bill No. 17 of 1973) after having received the assent of the Governor, Himachal Pradesh, on the 26th November, 1973,

under Article 200 of the Constitution of India is hereby, published in the  
Rajpatra, Himachal Pradesh, as Act No. 23 of 1973.

JOSEPH DINA NATH,  
*Deputy Secretary.*

Act No. 23 of 1973.

THE SOCIETIES REGISTRATION (HIMACHAL PRADESH AMENDMENT) ACT, 1973

AN  
ACT

to amend the Societies Registration Act, 1860 (Act No. 21 of 1860) in its application to Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Societies Registration (Himachal Pradesh Amendment) Act, 1973.

Short title,  
extent and  
commencement.

(2) It shall extend to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. In section 1 of the Societies Registration Act, 1860, (hereinafter referred to as the principal Act) for the words "of Joint Stock Companies" the words "to be appointed by the State Government, by notification in the Official Gazette, for carrying out the purposes of the Act", shall be substituted.

Amendment  
of section 1.

3. In section 3 of the principal Act, for "full stop" occurring in the end, the "colon" shall be substituted and thereafter the following proviso shall be added:—

Amendment  
of section 3.

"Provided that the State Government may, by notification in the Official Gazette, exempt any particular society or class of societies from the payment of registration fee.".

4. In section 4 of the principal Act,—

Amendment  
of section 4

(a) the words "of Joint Stock Companies" shall be omitted; and

(b) at the end the following words shall be added, namely:—

"If a society makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifty rupees.".

Amendment  
of section  
12.

5. In section 12 of the principal Act, after the words "other society", " shall be omitted and thereafter the words "or whenever the governing body of any society registered under this Act decides to change the name of the society," shall be inserted.

Insertion of  
sections 12  
A and 12-I

6. After section 12 of the principal Act, the following new sections shall be inserted, namely:—

"12-A. Registration of change of name.—

(1) where a proposition for change of name has been agreed to and confirmed in the manner prescribed by section 12, a copy of the proposition so agreed to and confirmed shall be forwarded to the Registrar of societies for registering the change of name. If the proposed name is identical with that by which any other existing society has been registered, or in the opinion of the

Registrar so nearly resembles such name as to be likely to deceive the public or the members of either society, the Registrar shall refuse to register the change of name.

- (2) Save as provided in sub-section (1) the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name and issue a certificate of registration altered to meet circumstances of the case. On the issue of such certificate the change of name shall be complete.
- (3) The Registrar shall charge for any copy of a certificate issued under sub-section (2) a fee of rupee one and all fees so paid shall be accounted for to the State Government.

12-B. *Effect of change of name.*—The change in the name of a society shall not affect any rights or obligations of the society or render defective any legal proceeding by or against the society; and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.”.

**Amendment of section 18.** 7. In section 18 of the principal Act the words “of Joint Stock Companies” shall be omitted.

**Amendment of section 19.** 8. In section 19 of the principal Act, for the word “two annas” the words “twenty-five paise” shall be substituted.

**Insertion of new section 21.** 9. After section 20 of the principal Act, the following new section shall be inserted, namely:—

“21. *Cognizance of Offences.*—No court inferior to that of a magistrate of the first class shall try any offence under this Act, nor shall cognizance of any such offence be taken except on a complaint in writing by the Registrar on any person authorised by him in writing in this behalf.”.

**Repeal and savings.** 10. The enactments mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

Notwithstanding such repeal, anything done or any action taken including any orders, notifications or rules made or issued in exercise of the power conferred by or under any of the repealed Acts mentioned in the schedule shall, to the extent of its being consistent with the provisions of this Act, be deemed to have been done or taken in exercise of the powers conferred by or under this Act.

SCHEDULE  
(See section 10)

Number and year 1	Short title of enactments 2	Areas where applicable 3	Extent of repeal 4
31 of 57	The Societies Registration (Punjab Amendment) Act, 1957.	Whole of Himachal Pradesh.	The whole
32 of 48	The Societies Registration (East Punjab Amendment) Act, 1948.	In the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966).	-do-
6 of 49	The Societies Registration (East Punjab Amendment) Act, 1949.	-do-	-do-
14 of 61	The Societies Registration (Punjab Amendment) Act, 1961.	-do-	-do-
8 of 65	The Societies Registration (Himachal Pradesh Amendment) Act, 1965.	In the areas which comprised in Himachal Pradesh immediately before 1st November, 1966.	-do-

*Simla-2, the 28th November, 1973*

No. 5-17/73-LR.—The Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) (Amendment) Bill, 1973 (Bill No. 21 of 1973) after having received the assent of the Governor, Himachal Pradesh, on the 26th November, 1973, under Article 200 of the Constitution of India, is hereby published in the Rajpatra, Himachal Pradesh, as Act No. 21 of 1973.

JOSEPH DINA NATH,  
*Deputy Secretary.*

Act No. 21 of 1973.

THE HIMACHAL PRADESH (TRANSFERRED TERRITORY)  
TENANTS (PROTECTION OF RIGHTS) (AMENDMENT)  
ACT, 1973

AN

ACT

further to amend the Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) Act, 1971 (Act No. 15 of 1971).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) (Amendment) Act, 1973.

(2) It shall come into force at once.

Short title  
and com-  
menceme

2. In section 3 of the Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) Act, 1971, for the words, "one year and six months" wherever they occur, the words, "two years and three months" shall be substituted and shall be deemed always to have been substituted.

Amendme  
of section

3. The Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) (Amendment) Ordinance, 1973 and the Himachal Pradesh (Transferred Territory) Tenants (Protection of Rights) (Amendment) Ordinance, 1973 are hereby repealed:

Repeal an  
savings.

Provided that anything done or any action taken or any proceedings commenced or continued under the said Ordinances shall be deemed to have been done, taken, commenced or continued under the provisions of this Act.

Simla-2, the 28th November, 1973

No. 5-7/72-LR.—The Himachal Pradesh Public Moneys Recovery of Dues) Bill, 1973 (Bill No. 10 of 1973) after having received the assent of the Governor, Himachal Pradesh, on the 26th November, 1973, under Article 200 of the Constitution of India, is hereby published in the Rajpatra, Himachal Pradesh, as Act No. 22 of 1973.

JOSEPH DINA NATH,  
Deputy Secretary.

Act. No. 22 of 1973

**THE HIMACHAL PRADESH PUBLIC MONEYS (RECOVERY  
OF DUES) ACT, 1973**

AN  
ACT

*to provide for the speedy recovery of certain classes of dues payable to the State.*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

Definitions.

Recovery of  
certain dues  
is arrears  
of land  
revenue.

1. (1) This Act may be called the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973.  
 (2) It extends to the whole of Himachal Pradesh.  
 (3) It shall come into force at once.
2. In this Act, unless the context otherwise requires,—
  - (a) “financial assistance” means any financial assistance rendered—
    - (i) for the purposes of vocational or technical training; or
    - (ii) for the construction of residential buildings; or
    - (iii) for providing drinking water *kuhl* or pipe line; or
    - (iv) for the development of animal husbandry, agriculture or horticulture; or
    - (v) for establishing, expanding or running any village or cottage industry or
    - (vi) for purposes of any other kind of planned development; or
    - (vii) for relief against distress; or
    - (viii) for loan under the National Loan Scholarship Scheme;
  - (b) “State Government” means the Government of Himachal Pradesh.
3. (1) Where any person is a party—
  - (a) to any agreement relating to a loan, advance, grant, stipend or scholarship given to him by the State Government by way of financial assistance; or
  - (b) to any agreement relating to a guarantee given by the State Government in respect of a loan; or
  - (c) to any agreement providing that any money payable thereunder to the State Government shall be recoverable as arrears of land revenue; or
  - (d) to any agreement to sell or distribute goods or any other article supplied by or through the State Government;

and such person—

  - (i) makes any default in the repayment of the loan, advance, stipend or scholarship or any instalment or interest thereof; or
  - (ii) having become liable under the conditions of the grant to refund the grant or any portion thereof, makes any default in repayment of such grant or portion or instalment thereof; or
  - (iii) having become liable to pay the price of the goods or any other article or interest thereof, fails to pay the same or part thereof; or
  - (iv) otherwise fails to comply with the terms of the agreement,— then, such officer as may be authorised in this behalf by the State Government, by notification in the Official Gazette, may, without prejudice to any

other mode of recovery under any other law for the time being in force, send a certificate to the Collector, mentioning the sum due from such person and requesting that such sum together with the costs of the proceedings or any other sum, be recovered as if it were an arrear of land revenue.

(2) The Collector on receiving the certificate under sub-section (1) shall proceed to recover the amount stated therein as an arrear of land revenue.

